



Docket No.: **PAT032783-US-NP**

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

\_\_\_\_\_  
Martha Martin  
Type or print name

\_\_\_\_\_  
*Martha Martin*  
Signature

\_\_\_\_\_  
July 26, 2010  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

**CARNEY, ET AL**

APPLICATION NO: **10/722,256**

FILED: **NOVEMBER 25, 2003**

FOR: **MEDICAL DEVICES HAVING ANTIMICROBIAL COATINGS THEREON**

EXAMINER:

**WEBB, WALTER E**

ART UNIT: **1612**

Commissioner for Patents  
Alexandria, Virginia 22313-1450

**STATEMENT REGARDING SEQUENCE LISTING SUBMISSION**

Sir:

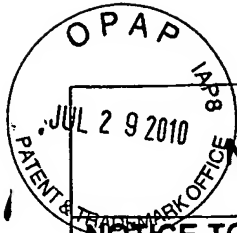
An Office communication concerning this application dated June 25, 2010 indicated that this application fails to comply with the requirements of 37 C.F.R. 1.821-1.825. To comply with the requirements, the paper copy of the Sequence Listing and the computer readable form (CRF) of the Sequence Listing on compact disc submitted herewith in the above-captioned application are the same and no new matter is added. The Notice to Comply is attached with this submission. Applicants believe this response is filed in time in view of July 25 is Sunday.

Respectfully submitted,

\_\_\_\_\_  
*Sheng-Hsin Hu*

Sheng-Hsin Hu  
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678-415-3171

CIBA VISION Corporation  
Patent Department  
11460 Johns Creek Parkway  
Duluth, GA 30097  
July 26, 2010



**Notice to Comply**

|                             |                               |  |
|-----------------------------|-------------------------------|--|
| Application No.<br>10722256 | Applicant(s)<br>CARNEY ET AL. |  |
| Examiner<br>WALTER E. WEBB  | Art Unit<br>1612              |  |

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

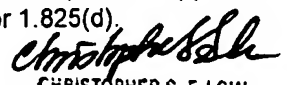
- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The specification, at least page 11 lines 5-25, and claims 16 and 17 contain sequences which require the respective SEQ ID NO: identifier next to each sequence. Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:" in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application. Please confirm that all peptides having more than 4 amino acids have sequence identifiers and are included in the sequence listing.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing".
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
For CRF Submission Help, call (571) 272-2510  
PatentIn Software Program Support  
Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845  
PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**